

STATUS REPORT ON WESTERN AUSTRALIA GOVERNMENT IMPLEMENTATION OF ST ANDREW'S HOSTEL SPECIAL INQUIRY RECOMMENDATIONS

On 17 November 2011 the Hon Colin Barnett MLA, Premier of Western Australia announced an independent inquiry into the conduct and response of government agencies and public officials following allegations of sexual abuse at a Katanning hostel. The inquiry was instituted under the *Public Sector Management Act 1994* and had similar powers to a Royal Commission. The Hon Peter Blaxell, a former Supreme Court judge, was appointed to undertake the inquiry.

From December 2011 to August 2012, the Hon Peter Blaxell examined the conduct and response of relevant public officials and government agencies in relation to allegations of sexual abuse at St Andrew's Hostel in Katanning, and related organisations.

On 19 September 2012 the Premier tabled in Parliament the Inquiry report titled *St Andrew's Hostel Katanning: How the system and society failed our children*. All five of the Inquiry's recommendations and a further two initiatives were endorsed by Government.

Recommendation 1

That the Country High School Hostels Authority develops a comprehensive, child focussed complaint system which provides a multiple avenue complaints model including support for the child or young person. A critical element of the model which will ensure a robust and approachable system is that it should facilitate complaints being made externally.

- The Country High School Hostels Authority (the Authority) has undertaken substantial work to provide a number of avenues for hostel students and families to make complaints.
- The Authority has relocated telephones made available for student use to ensure appropriate privacy is provided and students have access to computers, which enable them to communicate via email with parents and others.
- The Department of Education (the Department) has worked closely with the Authority to develop a further proposal for a comprehensive and robust child focused complaint system to complement the options already available to students and to support them through the process.
- The current avenues available for hostel students to make complaints include:
 - parents and families;
 - hostel staff;
 - school staff;
 - school psychologists;
 - chaplains; and
 - Police;
- CRISIS CARE and Kids helpline are two further avenues that are available for students to make complaints. The Authority and the Department are exploring further referral

processes that could be put in place in conjunction with these providers to best assist students with their concerns, complaints and disclosures.

- The Department is currently examining supplementation of the Authority's complaints mechanisms, including access to the Department's complaint advice line, a website, 1800 phone number, SMS function, social media presence and in person/face to face support.
- The Authority is also planning the implementation of an information and education campaign for students to ensure they are able to identify the best option for making a complaint depending on the nature of their concern.
- A key consideration in implementing any of the above strategies is the use of a series of focus groups with hostel students in 2013 to involve students in the planning of enhancements to the complaints process. The aim of the focus groups would be to ensure that the enhancements proposed are child focused, meet the needs and expectations of children and young persons and incorporates their ideas.

Recommendation 2

That the State Government develop a function and role within or across central and independent agencies to fulfil a robust child focussed central complaints system that is a "one stop shop" for any complaint concerning child abuse regardless of the public sector agency that the matter relates to.

A central agency taskforce should be established to consider and recommend the most appropriate agency or agencies to be responsible for fulfilling this function, and to recommend the steps necessary for ensuring that complainants/informants utilising such a system do not fear legal liability as a result of contacting the agency.

- The Government has selected the Commissioner for Children and Young People as the preferred body to perform the one-stop shop complaints role recommended by the Inquiry to prioritise the welfare of children in any government facility.
- The amendments to the *Commissioner for Children and Young People Act 2006* necessary to enable the Commissioner to perform this function will be considered as part of the statutory review of that Act. The Attorney General has requested the Public Sector Commission to undertake the statutory review and has approved appropriate terms of reference. The review is intended to commence early in January 2013 and conclude with a report to the Attorney General by mid 2013. Consultation with relevant stakeholders and interested members of the public will occur as part of the review.
- On 15 November 2012 the Western Australia Parliament Joint Standing Committee on the Commissioner for Children and Young People tabled a report titled "A Review of the Exercise of the Functions of the Commissioner for Children and Young People". The Committee made a number of recommendations in relation to the operation of the *Commissioner for Children and Young People Act 2006* that will be taken into account by the legislative review.

Recommendation 3

That, as part of the statutory review of the Children and Community Services Act 2004 (CCS Act) and of any further consideration by Government of the provisions of the CCS Act, consideration be given to including staff of the Country High School Hostels Authority as mandatory reporters for the purposes of the CCS Act.

- Concurrent with the Inquiry, the statutory review (the Review) examined the operation and effectiveness of the CCS Act, including provisions for the mandatory reporting of child sexual abuse. Recommendation 18 of the Report states:

The existing provisions for the reporting of child sexual abuse under the Act should be retained, with the exception of Country High School Hostels Authority staff being made mandated reporters of child sexual abuse as announced by the Government in response to Recommendation 3 of the Blaxell Inquiry.

- On 29 November 2012 the Hon Robyn McSweeney MLC, Minister for Child Protection tabled in Parliament the *Report of the Legislative Review of the Children and Community Services Act 2004*. A suite of amendments will be progressed in 2013 in response to the Review, which will include the Government's decision in respect of Country High School Hostels Authority staff becoming mandated to report child sexual abuse. Consultation with relevant bodies will be required to determine to which staff the provisions should apply.

Recommendation 4

That the Department of Education undertake a review of how their schools deliver the preventative curriculum to ensure that it meets the need as identified in the Gordon Inquiry and that it assess whether there is any need for a more prescriptive requirement (in line with the Protective Behaviours program that the Department has already developed).

- The Department has assessed whether there is a need for a more prescriptive requirement for schools to implement the specific Protective Behaviours program already in place. While yet to be finalised, this assessment has identified that there are opportunities for improvement to the current approach to delivering protective behaviours training.
- The Department's Protective Behaviours program includes a series of four curriculum resource packages which aim to teach personal safety, resilience and life skills. The curriculum resources are available for Department staff through the portal in the Resources Online tab and are also in the Recommended Resources section for all phases of development for Kindergarten to Year 10.
- The Department is currently developing three customised Protective Behaviours resources which target the most vulnerable children in schools. Resources will be available online, and consist of:
 - a Protective Behaviours booklet for Aboriginal students (completed);

- a similar booklet for students with disability (at editing stage); and
- a booklet based on protective behaviours for parents and communities (at editing stage).
- The Department is drafting a report that discusses various options for supporting the current approach.

Recommendation 5

That, as part of the Authority's review of the roles and responsibilities of College Boards of Management and their relevant Constitutions, the Authority consider developing a comprehensive training program for Board members covering a range of areas, particularly Accountability and Ethical Decision Making, complaint handling, duty of care and protective behaviours, to be possibly delivered in the form of an annual conference for hostel board members.

- On 16 November 2012 the Public Sector Commission and the Department hosted an Accountability Forum for Country High School Hostels Authority board members, the chairpersons of local hostel boards and residential college managers.
- The Public Sector Commissioner and senior Public Sector Commission staff provided an overview of the Public Sector accountability framework applicable to the attendees, to increase their awareness and understanding of ethical and integrity issues that they may encounter in their role.
- The presentation will be delivered via a program of hostel-based meetings to the remaining local hostel board members and staff in early 2013.
- The Department staff briefed attendees at the Accountability Forum on duty of care, protective behaviours and complaint handling obligations.
- A further program of similar training is due to be delivered regionally in 2013 to ensure comprehensive training of all staff.
- The Authority is also making available to students materials developed by ECU to learn about the dangers faced when using social media, mobile phones and cyber applications and how to protect their privacy and integrity. The package will also be used to implement protective behaviours education for residential students in 2013.

Further Initiatives endorsed by Government

Ex Gratia Scheme for Country High School Hostels students

- The Country High Schools Hostels Ex Gratia Scheme (the Scheme) has been established to provide recompense to former students who were subject to abuse when boarding at a hostel administered under the *Country High School Hostels Authority Act 1960* between 1960 – 2006 at: Albany, Bunbury, Carnarvon, Esperance, Geraldton, Kalgoorlie, Katanning, Merredin, Moora, Narrogin, Northam or Port Hedland.
- Applications opened for six months from 30 November 2012 and will close at 5.00pm (WST) Friday 31 May 2013.

- People are eligible to apply for ex gratia payments of up to \$45 000 if over 18 years of age and they experienced abuse prior to 1 January 2007 while boarding at a hostel administered under the *Country High School Hostels Authority Act 1960*.
- Further detailed information is available at the Department for Communities website: <http://communities.wa.gov.au>

In principle support for the incorporation of the Country High School Hostels Authority into the Department of Education

- The Public Sector Commission, in consultation with the Department of Education and the Country High School Hostels Authority, is currently considering options for the future governance arrangements for a more appropriate model to deliver services to students in residential colleges.

Additional Action

The Department of Education Services (DES) is responsible for the regulation of non-government schools. From 7 December 2012, under the auspices of the Teacher Registration Board, DES is responsible for the registration of teachers in Western Australian schools and child care settings. A key objective of both registration functions is to provide a safe environment for children and to ensure consistency of standards and expectations of professional conduct, child protection and levels of care expected in all schools in Western Australia. In this regard, the DES is liaising with the Department regarding its standards and integrity policies and processes for government schools.

At the request of the Minister for Education, the DES is progressing range of measures to “Strengthen Child Protection in Non-Government Schools”.

An independent review of the 2012 non-government school registration standards and associated regulatory provisions has been completed and a report submitted to the DES on 11 November 2012. The report took into account the findings and recommendations of the St Andrew’s Hostel Special Inquiry.

Department of the Premier and Cabinet
30 December 2012

A further status report will be provided by 30 June 2013.